

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON -----

DATE: 02/03/04 TIME: 8:30 DEPT: B1P -----

0000. CASE #: BPRBS00527

CASE NAME: ESTATE OF LAURA LYNN

HEARING:

Hearing re Final Discharge

COUNSEL:

WILLIAM A MILLOY (PET) ... PRO/PER

LAURA EVELYN LYNN (DEC)...

GENERAL INFORMATION:

Continued from 1-28-03, 5-20-03, 7-8-03, 9-9-03, 10-28-03 and 12-16-03. Nothing new filed. Mr. Milloy was present in court on 7-8 and 10-28-03.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Still need receipt from William Milloy as trustee of the Lynn Trust and final discharge order.

RECOMMENDATION:

Suggest the court set the matter for an O.S.C. re contempt for failure to file required documents. Issue a citation and have it personally served on the administrator.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON -----

DATE: 02/03/04 TIME: 8:30 DEPT: BIP -----

0000. CASE #: BPRBS00759

CASE NAME: ESTATE OF JOSEPH L HAYS

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARILYN LEDUC-HAYS (PET) ... RALPH F GEORGE JR.

JOSEPH LOVELAND HAYS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters have never issued in this case, as the petitioner never posted bond. The inventory and appraisal is not statutorily due until 4 months after the issuance of letters. As no letters have issued no inventory and appraisal is due.

RECOMMENDATION:

Set the matter for O.S.C. re removal for failure to prosecute , failure to post bond and failure to have letters issued. Have the clerk give notice.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON -----

DATE: 02/03/04

TIME: 8:30

DEPT: BIP -----

0000. CASE #: BPRBS00765

CASE NAME: RICHARD MARTIN HENDLEY, JR

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

SANDRA MARTIN
A.

(PET) ...CALDWELL, KENNEDY & PORTER,

RICHARD MARTIN HENDLEY JR (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed.

RECOMMENDATION:

Suggest the clerk notice counsel or administrator of the need to file the documents.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 02/03/04

TIME: 8:30

DEPT: BIP -----

0000. CASE #: BPRBS00529

CASE NAME: GENEVA TAYLOR

HEARING:

Final Account & Report SECOND

COUNSEL:

JAMES LOREN TAYLOR	(PET) ... RALPH F GEORGE JR.
GENEVA TAYLOR	(DEC)...
BESSIE NEILSEN	(PLA)...STANLEY W HODGE
SUZANNE ANDREWS	(PLA)...STANLEY W HODGE
NEVA WILLENE HOLT-GRAVES	(PLA)...STANLEY W HODGE
BESSIE NEILSEN	(ANY) ... STANLEY W HODGE
SUZANNE ANDREWS	(STANLEY W HODGE
NEVA WILLENE HOLT-GRAVES	(STANLEY W HODGE
ROBERT NEILSEN	(STANLEY W HODGE
JAMES LOREN TAYLOR	(RALPH F GEORGE JR.

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON second and final account and report.

Accounting covers 11-1-01 through 11-30-03.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Was a due and diligent search conducted to determine known or reasonably ascertainable creditors? File supplemental.
2. Did decedent's predeceased spouse receive health care benefits? File supplemental.
3. Pr. C. § 10800 was amended on 1-1-02. Fees are calculated under the pre-amendment formula. Under the new formula fees would be \$5,378.67, not \$4,069.11. Please file supplemental indicating if counsel and petitioner are waiving the additional fees.
4. Counsel requests extra-ordinary fees in the amount of \$3,225. The court will generally not consider awarding extra-ordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (In re Walker Estate (1963) 221 C.A.2d 792).
5. Accounting appears to be ok.

RECOMMENDATION:

Recommended for approval subject to numbers 1, 2, 3 and 4 and no objections. Set hearing for filing of receipts and final discharge order for 2-22-05.